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MINISTRY OF LAW

New Delhi, the 27th December, 1954

The following Acts of Parliament received the assent of the President on the 24th December, 1954 and are hereby published for general information:—

THE COFFEE MARKET EXPANSION (AMENDMENT) ACT, 1954

No. 50 OF 1954

[24th December, 1954]

An Act further to amend the Coffee Market Expansion Act, 1942.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Coffee Market Expansion (Amendment) Act, 1954.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title and preamble, Act VII of 1942.—In the Coffee Market Expansion Act, 1942 (hereinafter referred to as the principal Act),—

(a) in the long title, for the words and figures “to continue the provision made under Ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export and sale of coffee and by other means”, the words “to provide for the development under the control of the Union of the coffee industry” shall be substituted; and

(b) in the preamble, for the words “to continue the provision made under the Coffee Market Expansion Ordinance, 1940, for assistance to the coffee industry by regulating the export and sale of coffee and by other means”, the words “to provide for the development under the control of the Union of the coffee industry” shall be substituted.

3. Amendment of section 1, Act VII of 1942.—In sub-section (1) of section 1 of the principal Act, for the words "Coffee Market Expansion Act", the words "Coffee Act" shall be substituted.

4. Substitution of new section for section 2 in Act VII of 1942.—For section 2 of the principal Act, the following section shall be substituted, namely:—

"2. Declaration as to expediency of Union control.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the coffee industry."

5. Amendment of section 3, Act VII of 1942.—In section 3 of the principal Act,—

(i) in clause (a), the word "Indian" shall be omitted;

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) 'Chairman' means the Chairman of the Board;"

(iii) for clause (n), the following clause shall be substituted, namely:—

"(n) 'year' means the period of twelve months beginning with the first day of August and ending with the thirty-first day of July next following."

6. Amendment of section 4, Act VII of 1942.—In section 4 of the principal Act,—

(i) in sub-section (1), for the words 'Indian Coffee Board' the words 'Coffee Board' shall be substituted;

(ii) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) The Board shall consist of—

(i) a Chairman to be appointed by the Central Government;

(ii) one person to represent the State of Coorg, to be nominated by the Chief Commissioner of that State;

(iii) one person to represent the Government of Mysore, to be nominated by that Government;

(iv) one person to represent the Government of Madras, to be nominated by that Government;

(v) one person to represent the Government of Travancore-Cochin, to be nominated by that Government;

(vi) four persons to represent the coffee growing industry in Coorg;

(vii) four persons to represent the coffee growing industry in Mysore;

(viii) four persons to represent the coffee growing industry in Madras;

(ix) three persons to represent coffee trade interests, to be nominated by the Central Government;

(x) one person to represent curing establishments, to be nominated by the Central Government;

(xi) four persons to represent labour, to be nominated by the Central Government;

(xii) three persons to represent the interests of consumers, to be nominated by the Central Government;

(xiii) three persons to represent such other interests as in the opinion of the Central Government ought to be represented, to be nominated by the Central Government;

(xiv) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States.

(2A) The persons to represent the interests referred to in clauses (vi), (vii) and (viii) of sub-section (2) shall be elected or nominated as may be prescribed.

(2B) Any officer of the Central Government when deputed by that Government in this behalf shall have the right to attend meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.”;

(iii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.”

7. Amendment of section 5, Act VII of 1942.—In section 5 of the principal Act, the word “Indian” shall be omitted.

8. Insertion of new section 6A in Act VII of 1942.—After section 6 of the principal Act, the following section shall be inserted, namely:—

“6A. *Consultation with the Board.*—Before taking any action touching the affairs of the Board under this Act, the Central Government shall ordinarily consult the Board:

Provided that no action taken by the Central Government shall be invalid or called in question merely on the ground that the action was taken without such consultation.”

9. Amendment of section 7, Act VII of 1942.—In section 7 of the principal Act, sub-section (1) shall be omitted.

10. Substitution of new sections for sections 8 and 9 in Act VII of 1942.—For sections 8 and 9 of the principal Act, the following sections shall be substituted, namely:—

"8. Salary and allowances of Chairman.—The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

8A. Vice-Chairman.—The Board shall elect from amongst its members a Vice-Chairman who shall exercise such of the powers and perform such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

9. Chief Coffee Marketing Officer, Secretary and other staff.—(1) The Central Government shall appoint an officer to be called the Chief Coffee Marketing Officer and a Secretary to the Board and may appoint a Deputy Secretary to the Board and such number of Marketing Officers as may be necessary, to exercise such powers and to perform such duties under the direction of the Board as may be prescribed.

(2) The officers appointed under this section shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government."

11. Amendment of section 11, Act VII of 1942.—In section 11 of the principal Act, for the words "at the rate of one rupee per hundred-weight or at such lower rate as the Central Government may, on the recommendation of the Board, by notification in the Official Gazette provide" the words "at such rate not exceeding six rupees per hundred-weight as may be fixed by the Central Government by notification in the Official Gazette" shall be substituted.

12. Amendment of section 12, Act VII of 1942.—In section 12 of the principal Act,—

(i) for the words "one rupee" the words "six rupees" shall be substituted;

(ii) the words "on the recommendation of the Board" shall be omitted.

13. Amendment of section 13, Act VII of 1942.—In section 13 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The proceeds of the duty of customs and of the duty of excise and of any fees levied under this Act (all of which shall form part of the Consolidated Fund of India), reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Board for being utilised for the purposes of this Act."

(ii) sub-section (2) shall be omitted.

14. Amendment of section 14, Act VII of 1942.—In section 14 of the principal Act, in sub-section (4), for the words "Chief Coffee Marketing Officer", the word "Chairman" shall be substituted.

15. Amendment of section 16, Act VII of 1942.—In sub-section (1) of section 16 of the principal Act, the words “after consultation with the Board,” shall be omitted.

16. Amendment of section 20, Act VII of 1942.—In section 20 of the principal Act,—

(i) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that nothing herein contained shall apply to coffee—

(i) shipped as stores on board any vessel or aircraft in such quantity as the Collector considers reasonable, having regard to the number of the crew and passengers and the length of the voyage or journey, as the case may be, on which the vessel or aircraft is about to proceed, or

(ii) carried as personal luggage of a passenger, not exceeding two pounds avoirdupois, or

(iii) exported by post or by air in packages containing not more than ten pounds avoirdupois, or

(iv) exported by sea as *bona fide* samples in packages containing not more than one pound avoirdupois:”;

(ii) after the first proviso as so amended, the following proviso shall be inserted, namely:—

“Provided further that the Central Government may, by order in writing, specify the quantity of coffee which shall be permitted for export during any year and where any such order is made, no coffee shall be exported from India in excess of the said quantity:”.

17. Amendment of section 25, Act VII of 1942.—In section 25 of the principal Act,—

(i) to sub-section (1), the following provisos shall be added, namely:—

“Provided that where no internal sale quotas have been allotted to estates, the Chairman may allow the owner of any estate to retain with himself for purposes of consumption by his family and for purposes of seed, such quantity of coffee as the Chairman may think reasonable:

Provided further that where the Central Government is satisfied that it is not practicable for any class of owners producing coffee in any specified area to comply with the provisions of this sub-section on account of the small quantity of coffee produced by them or on account of their estates being situated in a remote locality, the Central Government may, by notification in the Official Gazette, exempt such class of owners from the provisions of this sub-section.”;

(ii) in sub-section (4), the words “with the concurrence of the Chief Coffee Marketing Officer,” shall be omitted.

18. Substitution of new section for section 31 in Act VII of 1942.—For section 31 of the principal Act, the following section shall be substituted, namely:—

“31. General fund.—(1) To the general fund shall be credited—

(a) all amounts paid to the Board by the Central Government under sub-section (1) of section 13; and

(b) any sums transferred to the general fund under the proviso to sub-section (2) of section 32.

(2) The general fund shall be applied—

(a) to meet the expenses of the Board;

(b) to meet the cost of such measures as the Board may consider advisable to undertake for promoting agricultural and technological research in the interest of the coffee industry in India;

(c) for making such grants to coffee estates or for meeting the cost of such other assistance to coffee estates as the Board may think necessary for the development of such estates;

(d) to meet the cost of such measures as the Board considers advisable to undertake for promoting the sale and increasing the consumption in India and elsewhere of coffee produced in India; and

(e) to meet the expenses for securing better working conditions and the provision and improvement of amenities and incentives for workers.”

19. Insertion of new section 39A in Act VII of 1942.—After section 39 of the principal Act, the following section shall be inserted, namely:—

“39A. Offences by companies.—(1) If the person committing any offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.”

20. Amendment of section 44, Act VII of 1942.—In section 44 of the principal Act, for the words “Any member of the Board, and any officers of the Board or other person authorised in this behalf by the Central Government or the Board, may enter”, the words “Any person authorised in this behalf by the Central Government or by the Board or any member of the Board so authorised by the Chairman in writing or any officer of the Board, may enter at all reasonable times” shall be substituted

21. Amendment of section 48, Act VII of 1942.—In section 48 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Without prejudice to the generality of the foregoing power, rules may be made providing for all or any of the following matters:—

(i) the principles regulating the nomination or election of members of the Board;

(ii) the term of office of members of the Board, the circumstances in which, and the authority by which, members may be removed and the filling of casual vacancies in the Board;

(iii) the procedure to be followed at meetings of the Board and at committees thereof for the conduct of business and the number of members which shall form a quorum at a meeting;

(iv) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;

(v) the holding of a minimum number of meetings of the Board every year;

(vi) the powers of the Board, its Chairman and committees thereof with respect to the incurring of expenditure;

(vii) the conditions subject to which the Board may incur expenditure outside India;

(viii) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(ix) the maintenance of the accounts of income and expenditure of the Board and the audit of such accounts;

(x) the deposit of the funds of the Board in banks and the investment of such funds;

(xi) the re-appropriation of the estimated savings from any budget head to any other budget head;

(xii) the conditions subject to which the Board may borrow funds;

(xiii) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(xiv) the delegation to the committee or Chairman or Vice-Chairman or members or officers of the Board of any of the powers and duties of the Board under this Act;

(xv) the staff which may be employed by the Board and the pay and allowances and leave and other conditions of service of officers (other than those appointed by the Central Government) and other employees of the Board;

(xvi) the travelling and other allowances of members of the Board and of committees thereof;

(xvii) the maintenance of the registers and other records of the Board and its various committees;

(xviii) the manner in which the internal sale quota of coffee estates shall be determined;

(xix) the manner in which the Board shall exercise its powers of buying and selling coffee;

(xx) the appointment by the Board of agents;

(xxi) the conditions to be fulfilled by a curing establishment before a licence to operate as such can be issued;

(xxii) the form of, and the particulars to be contained in, any returns or reports to be made to the Board under this Act;

(xxiii) the form of, manner of application for, fees payable for, procedure in granting and conditions governing, the licences and permits to be issued by the Board;

(xxiv) the collection of any information or statistics in respect of coffee or any product of coffee;

(xxv) any other matter (other than any matter specified in section 15) which is to be or may be prescribed under this Act.

(3) All rules made by the Central Government under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament."

22. Validation of certain acts and indemnity in respect thereof.—

All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to, or on account of, coffee during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act, by the Government or by any officer of the Government or by any other authority in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the principal Act shall be as valid and operative as if they had been done, taken

or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

THE PREVENTIVE DETENTION (AMENDMENT) ACT, 1954

No. 51 OF 1954

[24th December, 1954]

An Act further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Preventive Detention (Amendment) Act, 1954.

2. Amendment of section 1, Act IV of 1950.—In section 1 of the Preventive Detention Act, 1950,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India except the State of Jammu and Kashmir.”;

(b) in sub-section (3), for the figures “1954”, the figures “1957” shall be substituted.

The following Acts of Parliament received the assent of the President on the 25th December, 1954 and are hereby published for general information:—

THE TEA (SECOND AMENDMENT) ACT, 1954

No. 52 OF 1954

[25th December, 1954]

An Act further to amend the Tea Act, 1953.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Tea (Second Amendment) Act, 1954.

2. Amendment of section 4, Act 29 of 1953.—In section 4 of the Tea Act, 1953, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.”

THE PREVENTION OF DISQUALIFICATION (PARLIAMENT AND PART C STATES LEGISLATURES)
SECOND AMENDMENT ACT, 1954

NO. 53 OF 1954

[25th December, 1954]

An Act further to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Prevention of Disqualification (Parliament and Part C States Legislatures) Second Amendment Act, 1954.

2. Amendment of section 4, Act I of 1954.—In section 4 of the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, for the words and figures “31st day of December, 1954”, the words and figures “31st day of December, 1955” shall be substituted.

THE RUBBER (PRODUCTION AND MARKETING)
AMENDMENT ACT, 1954

NO. 54 OF 1954

[25th December, 1954]

An Act further to amend the Rubber (Production and Marketing) Act, 1947.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Rubber (Production and Marketing) Amendment Act, 1954.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title and preamble, Act XXIV of 1947.—In the long title of, and the preamble to, the Rubber (Production and Marketing) Act, 1947 (hereinafter in this Act referred to as the principal Act),—

(a) for the words “under central control”, the words “under the control of the Union” shall be substituted;

(b) the words “so far as regards the production and marketing of rubber, and for regulating export and import of rubber” shall be omitted.

3. Amendment of section 1, Act XXIV of 1947.—In sub-section (1) of section 1 of the principal Act, the brackets and words “(Production and Marketing)” shall be omitted.

4. Substitution of new section for section 2 in Act XXIV of 1947.—For section 2 of the principal Act, the following section shall be substituted, namely:—

“2. *Declaration as to expediency of Union control.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the rubber industry.”

5. Amendment of section 3, Act XXIV of 1947.—In section 3 of the principal Act,—

(a) in clause (a), the word “Indian” shall be omitted;

(b) after clause (j), the following clause shall be inserted, namely:—

“(k) ‘small grower’ means an owner whose estate does not exceed fifty acres in area;”.

6. Amendment of section 4, Act XXIV of 1947.—In section 4 of the principal Act,—

(a) in sub-sections (1) and (2), the word “Indian” shall be omitted;

(b) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:—

“(3) The Board shall consist of—

(a) a Chairman to be appointed by the Central Government;

(b) three members to represent the State of Madras, two of whom shall be persons representing rubber producing interests, one of such two being a person representing the small growers;

(c) seven members to represent the State of Travancore-Cochin, five of whom shall be persons representing the rubber producing interests, two of such five being persons representing the small growers;

(d) ten members to be nominated by the Central Government, of whom two shall represent the manufacturers and four labour;

(e) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States; and

(f) the Rubber Production Commissioner, *ex-officio*.

(4) The persons to represent the States of Madras and Travancore-Cochin shall be elected or nominated as may be prescribed.

(5) Any officer of the Central Government when deputed by that Government in this behalf shall have the right to attend the meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

(6) The Board shall elect from among its members a Vice-Chairman who shall exercise such of the powers, and

perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(7) The members of the Board shall receive from the Board such allowances as may be prescribed.

(8) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

7. Substitution of new sections for section 6 in Act XXIV of 1947.—For section 6 of the principal Act, the following sections shall be substituted, namely:—

"6. *Salary and allowances of Chairman.*—The Chairman shall be entitled to such salary and allowances and be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be fixed by the Central Government.

6A. *Executive officers of the Board.*—(1) The Central Government shall appoint a Rubber Production Commissioner to exercise such powers and perform such duties under the direction of the Board as may be prescribed.

(2) The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the direction of the Board as may be prescribed or as may be delegated to him by the Chairman.

(3) The Rubber Production Commissioner and the Secretary to the Board shall be entitled to such salaries and allowances and be governed by such conditions of service regarding leave, pension, provident fund and other matters as may be fixed by the Central Government.

(4) The Chairman, the Rubber Production Commissioner and the Secretary shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government."

8. Amendment of section 7, Act XXIV of 1947.—In section 7 of the principal Act,—

(a) sub-section (1) shall be omitted;

(b) in sub-section (2), the word "other" shall be omitted.

9. Amendment of section 8, Act XXIV of 1947.—In section 8 of the principal Act,—

(a) in sub-section (1), the words "so far as regards the production and marketing of rubber" shall be omitted;

(b) in sub-section (2), after clause (e), the following clauses shall be inserted, namely:—

"(f) securing better working conditions and the provisions and improvement of amenities and incentives for workers;

(g) carrying out any other duties which may be vested in the Board under rules made under this Act."

10. Insertion of new sections after section 8 in Act XXIV of 1947.—

After section 8 of the principal Act, the following sections shall be inserted, namely:—

"8A. *Power of the Board to import rubber for sale, or to purchase rubber, in the internal market.*—It shall be lawful for the Board with the previous approval of the Central Government to import rubber for sale, or to purchase rubber, in the internal market at such prices as the Central Government may fix.

8B. *Consultation with the Board.*—Before taking any action touching the affairs of the Board under this Act, the Central Government shall ordinarily consult the Board:

Provided that no action taken by the Central Government shall be invalid or called in question merely on the ground that the action was taken without such consultation."

11. Amendment of section 9, Act XXIV of 1947.—In section 9 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Board shall maintain two funds, a general fund and a pool fund."

12. Insertion of new sections after section 9 in Act XXIV of 1947.—

After section 9 of the principal Act, the following sections shall be inserted, namely:—

"9A. *General fund.*—(1) To the general fund shall be credited—

(a) all sums forming the funds of the Board immediately before the commencement of the Rubber (Production and Marketing) Amendment Act, 1954;

(b) all amounts paid to the Board by the Central Government under sub-section (7) of section 12.

(2) The general fund shall be applied—

(a) to meet the expenses of the Board;

(b) to meet the costs of the measures referred to in section 8;

(c) to meet the expenditure incurred in the performance of its functions under this Act or under rules made thereunder; and

(d) for making such grants to rubber estates or for meeting the cost of such other assistance to rubber estates as the Board may think necessary for the development of such estates.

9B. *Pool fund.*—(1) To the pool fund shall be credited—

(a) all sums realized by sales of rubber imported or purchased under section 8A;

(b) any other sum which the Board may, with the previous approval of the Central Government, transfer from the general fund to the pool fund.

(2) The pool fund shall be applied only to the rehabilitation of small growers in such manner as may be prescribed."

13. Amendment of section 11, Act XXIV of 1947.—In section 11 of the principal Act, in sub-section (1), the words "after consulting the Board," shall be omitted.

14. Amendment of section 12, Act XXIV of 1947.—In section 12 of the principal Act,—

(a) in sub-section (1), for the words "at such rate as the Central Government may on the recommendation of the Board", the words "at such rate not exceeding one anna per pound of rubber so produced as the Central Government may" shall be substituted; and

(b) after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) The proceeds of the duty of excise collected by the Board and any of the fees levied under this Act (all of which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Board for being utilised for the purposes of this Act."

15. Amendment of section 13, Act XXIV of 1947.—In sub-section (1) of section 13 of the principal Act, the words, brackets and figures "after consulting the Rubber Price Advisory Committee constituted under sub-section (1) of section 7" shall be omitted.

16. Amendment of section 20, Act XXIV of 1947.—In section 20 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

"(c) permit any person authorised in this behalf by the Central Government or by the Board or any member of the Board authorised by the Chairman in writing or any officer of the Board to inspect the accounts and records referred to in clause (b)."

17. Substitution of new section for section 21 in Act XXIV of 1947.—For section 21 of the principal Act, the following section shall be substituted, namely:—

"21. *Inspection of land and premises.*—Any person authorised in this behalf by the Central Government or by the Board or any member authorised by the Chairman in writing or any officer of the Board may at any reasonable time inspect any place of business of a dealer or any factory or other premises of a manufacturer, for the purpose of verifying any statement or return submitted under this Act or for any other purposes of this Act."

18. Amendment of section 25, Act XXIV of 1947.—For sub-section (2) of section 25 of the principal Act, the following sub-sections shall be substituted, namely:—

“(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely:—

(i) principles regulating the nomination of members of the Board by the Central Government under clause (d) of sub-section (3) of section 4, and the election or nomination of the members referred to in clauses (b) and (c) thereof;

Provided that before making any nomination in the exercise of its powers the Central Government shall call for panels of names from the respective associations recognised by it of the interests referred to in clause (d);

(ii) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed and the filling of casual vacancies in the Board;

(iii) the procedure to be followed at meetings of the Board and at committees thereof for the conduct of business, and the number of members which shall form a quorum at any meeting;

(iv) the maintenance by the Board of records of business transacted by the Board, and the submission of copies thereof to the Central Government;

(v) the holding of a minimum number of meetings of the Board every year;

(vi) the powers of the Board, its Chairman and committees thereof with respect to the incurring of expenditure and the powers and duties of the Rubber Production Commissioner and the Secretary of the Board;

(vii) the conditions subject to which the Board may incur expenditure outside India;

(viii) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(ix) the maintenance of the accounts of income and expenditure of the Board and the audit of such accounts;

(x) the deposit of the funds of the Board in banks and the investment of such funds;

(xi) the re-appropriation of the estimated savings from any budget head to any other budget head;

(xii) the conditions subject to which the Board may borrow funds;

(xiii) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(xiv) the delegation to committees or the Chairman or Vice-Chairman or members or officers of the Board of any of the powers and duties of the Board under this Act;

(xv) the staff which may be employed by the Board and the pay and allowances and leave and other conditions of service of officers and other employees of the Board;

(xvi) the travelling and other allowances of members of the Board and of committees thereof;

(xvii) the purposes for which the funds of the Board may be expended;

(xviii) the maintenance of the registers and other records of the Board and of its various committees;

(xix) the collection of any information or statistics in respect of rubber or any product of rubber;

(xx) the form of application for registration under section 10 or the cancellation of such registration, the fee payable on such applications, the procedure to be followed in granting or cancelling registration and the registers to be kept by the Board;

(xxi) the form of application for special licences under section 14 or section 17, the fees for the grant or renewal of such licences, and the forms of such licences;

(xxii) the manner in which rubber shall be graded and marketed;

(xxiii) the fee payable on appeals under section 23;

(xxiv) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament."

19. Amendment of section 26, Act XXIV of 1947.—Section 26 of the principal Act shall be numbered as sub-section (1) thereof, and after that sub-section as so numbered, the following sub-sections shall be inserted, namely:—

"(2) If the person committing any offence under sub-section (1) is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in

this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.”

20. Insertion of new section 27A in Act XXIV of 1947.—After section 27 of the principal Act, the following section shall be inserted, namely:—

“27A. *Jurisdiction of courts.*—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.”

21. Omission of section 29, Act XXIV of 1947.—Section 29 of the principal Act shall be omitted.

22. Validation of certain acts and indemnity in respect thereof.—All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to, or on account of, rubber, during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act, by the Government or by any officer of the Government or by any other authority in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the principal Act shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

THE DELIMITATION COMMISSION (AMENDMENT) ACT, 1954

No. 55 OF 1954

[25th December, 1954]

An Act further to amend the Delimitation Commission Act, 1952.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Delimitation Commission (Amendment) Act, 1954.

2. Insertion of new section 9A in Act LXXXI of 1952.—In the Delimitation Commission Act, 1952, after section 9, the following section shall be inserted, namely:—

“9A. Redetermination of seats for Scheduled Castes or Scheduled Tribes on correction of census figures.—(1) If at any time before the first day of January, 1956, the census figures pertaining to the population of the scheduled castes or scheduled tribes of any State are corrected by the competent census authority in order to rectify any mistake or omission (including any omission arising out of the exclusion of persons returned under generic names or synonyms of the names of such castes or tribes) during enumeration or tabulation and the corrections so made are duly published by that authority, then, notwithstanding anything contained in sub-section (1) of section 9,—

(a) the said figures as so corrected shall be taken to be the latest census figures for the purposes of section 8;

(b) the Commission shall redetermine on the basis of those figures the number of seats, if any, to be reserved for the scheduled castes or scheduled tribes in the House of the People and the Legislative Assembly of the State in accordance with the provisions of sub-section (1) of section 8, and make any amendments that may be found necessary in its final order determining the matters referred to in that sub-section;

(c) where a final order determining in respect of the State the matters referred to in sub-section (2) of section 8 has not been published, the Commission shall proceed with the making and publication of such final order on the basis of the number of reserved seats as redetermined under clause (b);

(d) where a final order determining in respect of the State the matters referred to in sub-section (2) of section 8 has been published, the Commission shall make such amendments in that order as it may find necessary for the purpose of giving proper representation to the scheduled castes or the scheduled tribes on the basis of the number of reserved seats as redetermined under clause (b); and

(e) every order made under clause (b) or clause (d) amending a final order of the Commission shall be published in the Gazette of India, and on such publication that final order as so amended shall have the full force of law and shall not be called in question in any court.

Explanation.—In this sub-section, all references to the Commission shall, after the Delimitation Commission ceases to exist, be construed as references to the Election Commission.

(2) Nothing in sub-section (3) of section 8 shall apply in respect of the redetermination of numbers under clause (b) of sub-section (1) of this section.

(3) As soon as may be after the publication in the Gazette of India, every order made under clause (b) or clause (d) of subsection (1) shall be laid before the House of the People."

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

